



County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

Board of Supervisors
GLORIA MOLINA
First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

June 24, 2010

To: Supervisor Gloria Molina, Chair
Supervisor Mark Ridley-Thomas
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. Fujioka", is written over the printed name and title of the Chief Executive Officer.

SACRAMENTO UPDATE

This memorandum contains an update on four County-advocacy bills related to: 1) consumer product labeling; 2) solid waste; 3) pollution control devices; and 4) general plan amendments.

Status of County-Advocacy Legislation

County-supported AB 2256 (Huffman), which would prohibit, on or after January 1, 2012, a person engaged in the packaging or labeling of a consumer product from distributing in commerce in California a product that is contained in a package, or that has an affixed label that states the product is flushable, sewer and septic safe, or other like terms or phrases unless the product meets the acceptance criteria as published in the Guidance Document for Assessing the Flushability of Nonwoven Products, failed passage in the Senate Business, Professions, and Economic Development Committee on June 21, 2010, but was granted reconsideration.

County-opposed SB 25 (Padilla), which would: 1) increase the mandatory solid waste diversion rate from 50 percent to 60 percent by January 1, 2015, and establish a 75 percent statewide waste reduction target by January 1, 2020; 2) mandate commercial recycling by 2012 for counties with a population over 200,000; 3) increase the State solid waste tipping fee from \$1.40 to \$2.13 with adjustments in the future for cost of living changes; and 4) authorize the California Integrated Waste Management

"To Enrich Lives Through Effective And Caring Service"

***Please Conserve Paper – This Document and Copies are Two-Sided
Intra-County Correspondence Sent Electronically Only***

Board to create a grant program to assist local governments with illegal dumping, was substantially amended on June 21, 2010.

The June 21, 2010 amendments delete the prior version of the bill, and include language clarifying the definition of "renderer" and "rendering" under the California Meat and Poultry Inspection Act. **Therefore, the Sacramento advocates will remove County opposition to SB 25 and take no position.**

County-supported SB 435 (Pavley), which would: 1) make it a crime for a person to park, use, or operate a motorcycle registered in the State that does not have the federally required label affixed onto the motorcycle or exhaust emission system indicating that the motorcycle or exhaust emission system meets the noise emissions standards; 2) require the person cited for violation of the Federal label requirement to provide proof of correction; and 3) make a violation of disconnecting, modifying, or altering a required pollution control device punishable by a fine of not less than \$50 or more than \$100 for a first conviction, and not less than \$100 or more than \$250 for a second or subsequent conviction, was amended on June 22, 2010.

The June 22, 2010 amendments would: 1) make the bill applicable to motorcycles manufactured on and after January 1, 2011 instead of after January 1, 2000; 2) include motorcycles with aftermarket exhaust system equipment that are manufactured on or after January 1, 2011; 3) make a violation of the above Federal label requirement punishable by a fine of not less than \$50 or more than \$100 for a first conviction, and not less than \$100 or more than \$250 for a second or subsequent conviction; and 4) delete the provisions authorizing fines for a violation of disconnecting, modifying, or altering a required pollution control device. This measure is set for a hearing in the Assembly Transportation Committee on June 28, 2010.

County-opposed SB 1174 (Wolk), which would require a city or county, upon each revision of its housing element, to review and update one or more elements of its general plan as necessary to address the presence of island, fringe, or legacy unincorporated communities, as defined, inside or near its boundaries, and would require the amended general plan to include specified information about disadvantaged unincorporated communities, including a program to address infrastructure deficiencies, was amended on June 21, 2010.

The June 21, 2010 amendments would: 1) establish the Future Sustainable Communities Pilot Project, which would require a city or county with a disadvantaged unincorporated community inside or near its boundaries to apply to the Strategic Growth Council (council) to receive the financial assistance necessary to update its general plan to facilitate the transformation of the disadvantaged unincorporated community into a

sustainable community; 2) require the city or county, upon receipt of the financial assistance from the council, to review, prepare, and adopt amendments to one or more elements of its general plan, as necessary to include data and analysis, goals, implementation measures, policies, and objectives to address the presence of island, fringe, or legacy unincorporated communities inside or near its boundaries; 3) require the city or county to incorporate into the general plan specified purposes relating to the establishment of sustainable communities; and 4) require the updated general plan to include specified information.

The amendments require the updated general plan to include an analysis for each identified community of the following:

- The extent to which households in the community lack access to sanitary sewer service, the extent to which improved sanitary service would improve water quality, water conservation, and natural resource protection, and the extent to which it would encourage sustainable land use, allow for greater infill and compact development, and revitalize urban community centers;
- The extent to which households in the community lack access to municipal water service, the extent to which municipal water service would improve water quality, water conservation, and natural resource protection, and the extent to which it would encourage sustainable land use, allow for greater infill and compact development, and revitalize urban community centers; and
- The extent to which the community lacks paved roads, storm drainage, sidewalks, and street lighting, and the extent to which improvement in those areas would encourage sustainable land use, allow for greater infill and compact development, and revitalize urban community centers.

The amended general plan must also include: 1) an analysis of the city's or county's current programs and activities to address the conditions or deficiencies described above and an identification of any constraints to addressing those conditions or deficiencies; 2) an analysis of whether annexation of, or extension of service to, any identified island or fringe community is appropriate; 3) a statement setting forth the city's or county's specific quantified goals for eliminating or reducing the conditions or deficiencies described above; and 4) a program of flexible implementation measures that the city or county will undertake to achieve the goals for eliminating or reducing the conditions or deficiencies, including an identification of resources and a timeline of actions.

Each Supervisor
June 24, 2010
Page 4

The Department of Regional Planning (DRP) indicates that SB 1174 continues to require local jurisdictions to identify fringe, island, and legacy communities, conduct a detailed analysis related to infrastructure availability, and develop a program to reduce identified infrastructure deficiencies in these communities. DRP states that local jurisdictions should address infrastructure deficiencies in all communities through capital improvement plans, not general plan amendments. The purpose of coordinating land use and capital improvement planning is to eliminate existing infrastructure deficiencies. DRP indicates that infrastructure analysis is not and should not be a requirement of the general plan.

In addition, DRP indicates that the County does not have the resources to perform the required analysis or to address any capital improvement deficiencies that may be identified, and indicates it is unlikely any grants would be forthcoming given the State's fiscal condition. It is the responsibility of local governments to prioritize how its limited resources are used, and SB 1174 requires local agencies to place the fringe, island, and legacy communities at the head of a jurisdiction's funding priorities. DRP and this office recommend that the County continue to oppose SB 1174.

This measure is set for a hearing on June 30, 2010 in the Assembly Local Government Committee.

We will continue to keep you advised.

WTF:RA
EW:sb

c: All Department Heads
Legislative Strategist
Local 721
Coalition of County Unions
California Contract Cities Association
Independent Cities Association
League of California Cities
City Managers Associations
Buddy Program Participants